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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 6 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It has been nearly one month since my last letter to you concerning the grave situation in the Occupied Palestinian Territory, including East Jerusalem. In that period, Israel, the occupying Power, has continued to commit serious violations and grave breaches of all rules and principles of international law, relentlessly carrying out its illegal policies and practices against the Palestinian civilian population.

Not a single day has gone by, indeed not a single minute has passed, during which the occupying Power has not deliberately engaged in the violation of international law, including international humanitarian law and human rights law, in the Occupied Palestinian Territory. The occupying Power has continued to kill and injure Palestinian civilians, including women and children; has continued to destroy homes, properties, infrastructure and agricultural lands; has continued to confiscate land; has continued to construct the illegal expansionist Wall; has continued to build illegal settlements; has continued to arrest, detain and imprison thousands of Palestinians; and has continued to cause the further deterioration of the already dire economic and social conditions of the Palestinian people by persisting in its imposition of severe restrictions on the freedom of movement of persons and goods, including humanitarian, throughout the Occupied Palestinian Territory, including East Jerusalem.

In contravention of international law and in contravention of the most recently adopted resolution by the Security Council on this matter, namely resolution 1544 (2004), the Israeli occupying forces have continued to carry out daily military raids and attacks in the Occupied Palestinian Territory, particularly in the Gaza Strip. The annexed list of the 59 Palestinian martyrs killed by the occupying forces during the past month is a tragic testament to the indiscriminate and excessive use of force that continues to be used by the occupying Power against the defenceless civilian population under its occupation. Innocent women and children have been killed while inside or just outside their homes, stone-throwing youths have been targeted with live ammunition and Palestinian men continue to be the target of extrajudicial killing operations.

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For more than a month, the Israeli occupying forces have laid siege to the area of Beit Hanoun in the Gaza Strip, repeatedly carrying out attacks in the area, raiding homes, terrorizing the population and causing vast destruction to private and public properties. At least 20 Palestinians have been killed by the occupying forces during the recent period in the Beit Hanoun area alone. In addition, the occupying forces completely destroyed at least 30 more homes, causing the homelessness and dispossession of hundreds more Palestinians, demolished a vegetable and fruit packing plant that once served nearly 1,000 farmers in the Gaza Strip and razed thousands upon thousands of acres of productive farmland and citrus groves, further harming and impoverishing hundreds of Palestinian families dependent on these means of livelihood.

The loss of life, the extensive destruction and the deplorable humanitarian situation in Beit Hanoun represent a microcosm of the situation of the Palestinian people as a whole throughout the Occupied Palestinian Territory, including East Jerusalem. Whether it is in Rafah, Khan Yunis, Nablus, Qalqilya, Tulkarem, Jenin, Al-Khalil, Bethlehem, Ramallah, East Jerusalem or any other town, village or refugee camp, the story is the same: it is of a people who are under total siege by the occupying Power, which is seriously violating their human rights, including by means of collective punishment, breaching all of its obligations under international law as the occupying Power and of worsening economic and social conditions among this people as a result of such violations, marked by rising unemployment, deepening poverty and growing hunger and despair.

The instances illustrating the dire humanitarian situation prevailing in the Occupied Palestinian Territory as a result of the illegal policies and practices of Israel, the occupying Power, are too innumerable to make mention of in one letter. But the account of the thousands of Palestinian civilians, including women, children and the elderly, who have been prevented from returning to their homes in the Gaza Strip at the Rafah border must be conveyed. Since 18 July 2004, the occupying Power closed the Rafah crossing on the Gaza-Egypt border, which is the only means for Palestinians living in Gaza to leave or re-enter Gaza. Since closing the crossing, the occupying Power refused to allow the re-entry of any Palestinian civilians into Gaza, including for medical emergencies. While thousands of Palestinians have been stranded in Egypt, at least 2,000 Palestinians actually remained crowded in the border terminal itself for weeks in appalling conditions, with scarce food, water and sanitary facilities, until the occupying Power finally reopened the border today and allowed more than 1,500 Palestinians to return home. This inhumane measure of collective punishment constitutes a serious violation of the freedom of movement that is being committed daily by the Israeli occupying forces by all means and methods, including by such border closings, by the establishment of hundreds of checkpoints and roadblocks, by the imposition of curfews and by the construction of the Wall in the Occupied Palestinian Territory, the gravest such measure in this regard.

With regard to the Wall, as you know, the International Court of Justice rendered, on 9 July 2004, an historic advisory opinion on the "*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*". The Court concluded, inter alia, that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law". The Court found that Israel's construction of the Wall is in breach of several of its legal

obligations under the Charter of the United Nations, General Assembly and Security Council resolutions, the Hague Regulations, the Fourth Geneva Convention and relevant instruments of human rights law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Right of the Child.

In accordance with its findings, the Court determined the legal consequences in this regard and concluded that Israel is under an obligation to terminate its breaches of international law and is under an obligation to cease its construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, to dismantle the segments of the Wall already built and to repeal or render ineffective all legislative and regulatory acts relating thereto. Further, the Court determined that Israel is under an obligation to make reparation for all damage caused by the construction of the Wall. In addition, the Court spelled out the obligations of States in this regard and determined that the United Nations, including the General Assembly and Security Council, should consider what further action is required to bring an end to the illegal situation resulting from the construction of the Wall and its regime, taking due account of the advisory opinion.

Indeed, the General Assembly in its tenth emergency special session, has already taken the first step in this regard. The Assembly has received and acknowledged the advisory opinion, adopting a very important resolution, resolution ES-10/15 of 20 July 2004, which reaffirms the applicable rules and principles of international law and recalls relevant General Assembly and Security Council resolutions, and which, inter alia, demands that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion and also calls upon all Member States to comply with their legal obligations as mentioned in the opinion. The Assembly's overwhelming vote in favour of resolution ES-10/15 is clearly reflective of the respect accorded to the Court and its advisory opinion as well as the seriousness with which this issue is being taken, and indeed should be taken, by the international community.

Now that the Court has spoken and the General Assembly, as the requesting organ, has adopted resolution ES-10/15, the international community awaits and expects compliance by the occupying Power. Yet, developments in this regard have been less than promising in light of Israel's negative response. Immediately after both the Court's rendering of the advisory opinion and the Assembly's adoption of resolution ES-10/15, Israeli officials publicly rejected the advisory opinion, speaking with ill-respect and disdain for the Court, for the opinion and for the Assembly, and defiantly declared Israel's intention to continue constructing the Wall in the Occupied Palestinian Territory, including East Jerusalem. In the wake of both the opinion and the resolution, the occupying Power has in fact continued its unlawful construction of the Wall and had continued to carry out all of the associated illegal measures in this regard, including the confiscation of land, the destruction of property and the imposition of the "Closed Zone" and permit system, committing more and more violations of international law and causing more destruction to the Palestinian land and more suffering and loss for the Palestinian people. This must be a matter of direct and critical concern for the United Nations, including of course the General Assembly and the Security Council.

Intricately related to the ongoing construction of the Wall by the occupying Power is its ongoing and unlawful colonial settlement campaign in the Occupied

Palestinian Territory, including East Jerusalem. As has been reiterated by Palestine on numerous occasions, the building of the Wall is part and parcel of Israel's settlement campaign and it is only in this context that this issue can be properly examined and addressed. The intertwined relationship of both of these illegal enterprises was explicitly elucidated by the International Court of Justice in its advisory opinion. Indeed, the Court found, inter alia, that "the wall's sinuous route has been traced in such a way as to include within that area the great majority of the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem)". The Court concluded that the Israeli settlements have been established in breach of international law. Further, the Court determined that "the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council".

And yet, the occupying Power persists in its unlawful settlement campaign, building and expanding its settlements throughout the Occupied Palestinian Territory even as it purports to be pursuing a so-called "unilateral disengagement plan". Just earlier this week, the Israeli government approved the construction of 600 more housing units in the "Maale Adumim" settlement, which is located east of Jerusalem and is the largest Israeli settlement in the West Bank. Moreover, yesterday, it was reported that the Israeli government is finalizing plans to establish a new settlement of thousands of housing units in an area north of Jerusalem in order to connect these areas with the "Maale Adumim" settlement. There can no longer be any question as to the validity or legality of these actions by the occupying Power, which are clearly aimed at the colonization and de facto annexation of the Palestinian land. All such settlement activities are being carried out in grave breach of the Fourth Geneva Convention, in flagrant violation of Security Council resolutions and in violation of its commitments under the Road Map and must be vigorously condemned and opposed by the international community.

This letter is in follow-up to our previous 195 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 7 July 2004 (A/ES-10/272-S/2004/544), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my deepest regret to inform you that, since my letter to you on 7 July 2004, at least 59 more Palestinians, including several women and children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,162 Palestinians. (The names of the martyrs that have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 6 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Thursday, 8 July 2004, to Friday, 6 August 2004)

Thursday, 8 July 2004

1. Yussef Ahmed Mousa Al-Zaanin
2. Naim Messbah Abdelhady Al-Kafarna
3. Nassredine Mohammed Abu Herbed
4. Zaher Rajih Othman Abu Herbed
5. Nahed Abdelrahman Abdallah Abu Awdah
6. Jameela Abdelhady Hamad
7. Hamed Ahmed Abdelaziz Abu Awdah

Friday, 9 July 2004

1. Marwan Ali Omar Al Qawassimi
2. Mohammed Khamiss Mohammed Rabaa

Saturday, 10 July 2004

1. Hanin Awdah Abu Samahdanah (16 years old)
2. Mahmoud Awdah Abu Namuss
3. Mohammed Mehdi Abedrabbo Abu Zur
4. Hassan Nafed Abu Dalal

Sunday, 11 July 2004

Ibrahim Mahmoud Khalafallah

Tuesday, 13 July 2004

1. Noman Khaled Sadeq Tahaynah
2. Ibrahim Abdelhafeez Salem Ghaneem

Saturday, 17 July 2004

Malik Abdelsalam Nassredine

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,162.

Sunday, 18 July 2004

1. Yasser Khalil Abed Tantawi
2. Alia Abdelrahman Ahmed Mannaa
3. Jameel Ismail Al-Farmaoui

Monday, 19 July 2004

1. Samar Omar Fuju
2. Bassel Mahmoud Abu Shihab
3. Saher Subhi Ahmed Ajjaj
4. Ossama Sameeh Daoud Zaytoun

Tuesday, 20 July 2004

Abdellatif Mahmoud Maletat Hanin

Thursday, 22 July 2004

1. Hazem Yasser Erhim
2. Abdelraouf Abu 'Assi
3. Hassan Jameel Al-Zaanin

Saturday, 24 July 2004

Hossam Helmi Mahmoud Nasser

Sunday, 25 July 2004

1. Hani Yussef Mohammed Aweedah
2. Abdelrahim Hassan Mustafa Shadid
3. Mahdi Raneq Naim Tambouz
4. Ahmed Nabeel Ahmed Barrouq
5. Said Jamal Said Abu Qamar
6. Mohammed Adnan Mahmoud Shanteer

Monday, 26 July 2004

1. Ghalya Hamad Yunis
2. Sarah Mahmoud Moussa Zaarab
3. Maher Hammad Abu Al-Atah
4. Fadi Ziad Al-Maghni

Thursday, 29 July 2004

1. Yunis Mustafa Ali Al-Abadla
2. Mohammed Riad Mahmoud Adwan
3. Zaher Issa Ribhi Al-Ashqar
4. Zaki Ali Mohammed Abu Zarqa
5. Omar Abdallah Omar Abu Sittah

Monday, 2 August 2004

1. Nimah Ibrahim Abu Sahloul
2. Ali Mousa Tamour
3. Issam Adnan Al-Mrrenakh
4. Mahmoud Nabeel Matar

Tuesday, 3 August 2004

1. Mohammed Yussef Abu Nada (18 years old)
2. Akram Mousa Al-Habibi
3. Maysara Omran Abu Suliemah

Wednesday, 4 August 2004

1. Awad Mousa Hashash
2. Kasem Saleh Al-Mutawak
3. Wael Mohammed Abu Al-Jidyan (15 years old)
4. Jihad Sami Al-Bas
5. Ali Abdelhamid Abu-'Ilbeh (10 years old)
6. Husam Mohammed Hussein Asous

Thursday, 5 August 2004

Iman Suleiman Barhoum (14 years old)

Friday, 6 August 2004

Mohammed Khaled Hamad (18 years old)